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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

Case No. 1:22-CV-03131-DG-SJB

RADIKA RAMPERSAD,
Plaintiff,

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v.

BASEO RAMPERSAD, et al.,
Defendants.

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW, Sherry Price (“the Plaintiff”) and files this, her Response to this Court’s Order to Show Cause [Dated: September 12, 2022]. Based on the facts set forth below, the Plaintiff respectfully moves this Court for the entry of an order to recognize the federal cause of action and subject matter jurisdiction in this matter.

I. CORRECTION OF BASIS FOR FEDERAL JURISDICTION

1. As this Court correctly noted, “[d]iversity [jurisdiction] is not complete if any plaintiff is a citizen of the same state as any defendant.” Order, quoting *St. Paul Fire & Marine Ins. Co., v. Universal Builders Supply*, 409 F.3d 73, 80, (2nd Cir. 2005). In this case, Defendant Babwah is

properly a resident of the State of New York, and therefore diversity jurisdiction under 28. U.S.C. § 1333(a)(1) is not appropriate.

2. Mrs. Price recognized the challenge to the propriety and this Court's question as to a federal cause of action in this matter. Therein, the Plaintiff shall file separately her motion for Leave to Amend Complaint, stipulating a federal cause of action pursuant to Title 18 U.S.C. § 1961 et seq. Based upon this federal cause of action, this Court has original jurisdiction under U.S.C. § 1331, and 18 U.S.C. § 1964(c). Moreover, the Defendants' challenge to venue for this action, 18 U.S.C. § 1965, sets the proper venue in the United States District Court.

II. CONCLUSION

WHEREFORE, in view of the foregoing arguments and citations of authority, the Plaintiff respectfully moves this Court for the entry of an order to recognize its jurisdiction over this matter and proper setting of venue in the Eastern District of New York. Additionally, the Plaintiff stipulates that within twenty (21) days of the filing of this Response, she shall file her Amended Complaint for Declaratory Judgment, and Injunctive Relief, and serve such on the Defendants.

Dated: October 15, 2022

Respectfully Submitted,
Sherry Price

Digitally signed by Sherry Price
Date: 2022.10.15 21:32:23
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/s/ Sherry Price
Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing will be furnished to all parties notice for service on October 17, 2022, under the exclusive care and custody of the United States Postal Service via Certified Mail within the State of New York upon:

Basdeo Rampersad
Rajdaye Babwah
368 Palmetto Street Apt 2R
Brooklyn
New York 11237

Executed on October 15, 2022

By: **Sherry Price**

Digitally signed by
Sherry Price
Date: 2022.10.15
21:32:42 -04'00'

Sherry Price
Plaintiff